



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR _____; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) 246-08-400 Allowable fees for searching and duplicating medical records.

Hearing location(s): 310 Israel Road SE, 1st Floor
Tumwater, WA 98501

Submit written comments to:

Name: Sherry Thomas

Address: , Department of Health, P.O. Box 47850, Olympia, WA
98504-7850

e-mail sherry.thomas@doh.wa.gov

fax (360) 236-4626 by (date) May 2, 2005

Date: May 2, 2005 Time: 9:00 A.M.

Assistance for persons with disabilities: Contact

Sherry Thomas by April 15, 2005

TTY (800) 833-6388 or ()

Date of intended adoption: May 3, 2005
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed changes adjust the fees that medical providers are allowed to charge for searching and duplicating medical records based on the change in the consumer price index for all consumers for the Seattle/Tacoma metropolitan area for the previous biennium. The anticipated effects are that fees will increase to allow for inflation.

Reasons supporting proposal: The proposed rule helps to provide patients with access to their medical records by setting reasonable fees providers are allowed to charge for cost recovery. This adjustment is mandated to occur every two years. The fees were last adjusted in July, 2003.

Statutory authority for adoption: RCW 70.02.010(12) &
RCW 43.70.040

Statute being implemented: RCW 70.02.010(12)

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE
2/28/05

NAME (Type or print)
Mary C. Selecky

SIGNATURE
Mary C. Selecky

TITLE
Secretary

CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
MAR 2 2005	
TIME	11:31 AM
WSR	05-06-121

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization) Department of Health

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Sherry Thomas	310 Israel Road, Tumwater, WA 98501	(360) 236-4612
Implementation.... Sherry Thomas	310 Israel Road, Tumwater, WA 98501	(360) 236-4612
Enforcement.....		()

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

This rule is exempt under RCW 34.05.310(4) because it adjusts fees pursuant to legislative standards.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: This rule is exempt from the cost-benefit analysis under RCW 34.05.328(5)(b)(vi); it adjusts fees pursuant to legislative standards.

AMENDATORY SECTION (Amending WSR 03-14-036, filed 6/23/03, effective 7/24/03)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than (~~eighty-eight~~) ninety-one cents per page for the first thirty pages;

(b) No more than (~~sixty-seven~~) sixty-nine cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a (~~twenty~~) twenty-one dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, (~~2003~~) 2005, through June 30, (~~2005~~) 2007.

(4) This section does not restrict a health care provider, a third-party payor, or an insurer regulated under Title 48 RCW from complying with obligations imposed by federal or state health care payment programs or federal or state law.

